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28 January 1977

MEMORANDUM FOR : Deputy Director for Administration
Deputy Director for Operations
Deputy Director for Intelligence
Deputy Director for Science & Technology
D/DCI/Intelligence Community
D/DCI/National Intelligence Officers
Office of Legislative Counsel
The Comptroller
Inspector General

25X1A FROM :
Associate General Counsel

SUBJECT : Handbook on Restrictions on Intelligence
Activities

The attached handbook, subject as above, was prepared by this Office from a suggestion and work originating with the Inspector General, which in turn resulted from discussions in the EAG. Your comments and suggestions for improvement, modification, etc. are requested. Also, would it be useful to print and distribute the handbook to all, or selected, employees?



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Attachment

Unclassified when Separated
from Annex A

DDA 77-0726

DDA Registry
File *Legal*

3 February 1977

MEMORANDUM FOR: General Counsel

STATINTL ATTENTION :

FROM : John F. Blake
Deputy Director for Administration

Dick:

I believe some fairly wide distribution of the "Handbook on Restrictions on Intelligence Activities" would be a worthwhile effort. Such a distribution would continue to sensitize our people and, additionally, would give them a ready reference as to where to seek more detailed information.

John F. Blake

Distribution:

Orig & 1 - Adse

1 - JFB Chrono

1 - Chrono

☒ 1 - Subject w/background (DDA 77-0528)

DDA:JFBBlake:kmg (8 Feb 77)

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DDA 77-0528: Multiple Adse memo dtd 28 Jan 77 fr OGC,
subj: Handbook on Restrictions on Intelligence Activities

HANDBOOK /
RESTRICTIONS ON INTELLIGENCE ACTIVITIES
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HANDBOOK /
RESTRICTIONS ON INTELLIGENCE ACTIVITIES

This Handbook is intended only as a summary and reference material for the use of Agency personnel involved in the collection and dissemination of foreign intelligence. It is not to be regarded as a comprehensive treatise on restrictions applicable to foreign intelligence activities.

CAVEAT: For additional guidance, always consult Headquarters Regulations and Executive Order 11905 (annotated).

I. Definitions

A. "United States Person:" United States citizens, aliens admitted to the United States for permanent residence and corporations or other organizations incorporated or organized in the United States. (Refer to HR ☐ Executive Order 11905, section 5a.)

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B. "Collection:" any one or more of the gathering, analysis, dissemination or storage of non-publicly available information without the informed express consent of the subject of the information. (Refer to HR ☐ Executive Order 11905, section 5a.)

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C. Other Definitions: See Executive Order 11905, sections 2 and 5(a); HR ☐

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II. Acquisition of Information in General

A. CONSENSUAL (with express permission of subject)

1. Concerning U.S. Persons

a. The acquisition of such information is permissible. (Refer to HR ☐ Executive Order 11905, sections 4b, 5a(1), 5b(7) and 5b(7)(iv).)

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- b. Polygraphing of persons not affiliated or to be affiliated with the Agency must be approved in writing by Headquarters. (Refer to HR [redacted])

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2. Concerning non-U.S. Persons

- a. The acquisition of such information is permissible. (Refer to Executive Order 11905, section 4b.)

B. Non-consensual (without express permission of subject)

1. Concerning U.S. persons' activities within the United States may not be collected by any means, except:

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- a. foreign intelligence or counterintelligence information. (Refer to HR [redacted] Executive Order 11905, section 5b(7)(i) and (iv).)
- b. information concerning past or present employees, applicants or contractors, when necessary to protect national security information or intelligence sources and methods from disclosure. (Refer to HR [redacted] Executive Order 11905, section 5(b)(7)(ii).)
- c. information concerning the identity of U.S. persons in contact with those listed in (b) or with a non-U.S. person who is the subject of a foreign intelligence or counterintelligence inquiry. (Refer to HR [redacted] Executive Order 11905, section 5b(7)(ii).)
- d. information concerning persons reasonably believed to be potential sources or contacts, but only to the extent necessary to determine their suitability. (Refer to HR [redacted] Executive Order 11905, section 5b(7)(iii).)
- e. information concerning U.S. persons reasonably believed to be acting on behalf of a foreign power, or engaging in international terrorist or narcotics activities. (Refer to HR [redacted] Executive Order 11905, section 5b(7)(v).)
- f. information concerning persons or activities posing a clear threat to foreign intelligence agency facilities or personnel. (Refer to HR [redacted] Executive Order 11905, section 5b(7)(vi).)

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2. Concerning non-U.S. persons.

The acquisition of such information is permissible, except by:

- a. Electronic surveillance within the United States. (Refer to HR [] Executive Order 11905, section 5b(2).)
- b. Unconsented physical searches within the United States. (Refer to HR [] Executive Order 11905, section 5b(3).)

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C. Publicly Available Information on any subject or persons may be acquired without restriction if it relates to foreign intelligence. (Refer to HR [] Executive Order 11905, sections 5a(1) and 4b.)

D. Information Gratuitously Provided by Non-CIA Persons or Organizations.

1. The U.S. Supreme Court's current "silver platter" theory allows such information to be accepted by the Agency. (Refer to HR [] U.S. v. Shea, 436 F. 2d 740 (9th Cir. 1970).)
2. The Agency must not in any way request, suggest or encourage that such information be provided to it. (Refer to HR [] and U.S. v. Shea, supra.)

III. Physical Surveillance

A. Of U.S. Persons

1. Consult Hqs. for prior approval. (Refer to HR [] Annex A; Executive Order 11905, section 5b(1).)
2. Generally, permission will be granted only in those situations concerning:
 - a. the protection of foreign intelligence sources and methods or national security information from disclosure by a past or present employee or contractor; (Refer to HR [] Executive Order 11905, section 5b(1)(i).)

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- b. the identity of U.S. persons contacting the subject of foreign intelligence or counterintelligence inquiries; (Refer to HR [] Executive Order 11905, section 5b(1)(ii).) or
- c. U.S. persons outside the United States reasonably believed to be acting on behalf of a foreign power, engaging in international terrorist or narcotics activities or activities threatening national security. (Refer to HR [] Executive Order 11905, section 5b(1)(iii).)

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B. Of Non-U.S. Persons is permissible. (Refer to Executive Order 11905, section 4b.)

C. Emergency Situations: Consult Chief of Station; contact Headquarters immediately and proceed with caution. (Refer to HR [] Executive Order 11905, section 5b(1).)

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IV. Electronic Surveillance

A. Consensual: the electronic acquisition of information is permissible if the intercepted communication is:

1. a public communication (i.e., radio, television);
2. acquired with the express consent of a party thereto (i.e., telephone monitor); or
3. a non-electronic communication acquired with the express consent of a person visibly present at the communication (i.e., visible agent with hidden microphone). (Refer to HR [] Executive Order 11905, sections 4b and 5a(3).)

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B. Non-consensual

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1. prohibited within the United States. (Refer to HR [] Executive Order 11905, section 5b(2).)
2. When directed at U.S. persons abroad, or communications made from or received in the United States:

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- a. consult Hqs. for prior approval. (Refer to HR [] Annex B; Executive Order 11905, section 5b(2).)
- b. Generally, Hqs. approval will be granted only if the U.S. person is reasonably believed to be acting as an agent of a foreign power. (Refer to HR [])

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C. Liaison with Other Federal Agencies.

When electronic surveillance within the U.S. is deemed necessary, CIA may:

1. ask other federal agencies to perform such surveillance. (Refer to HR [] Executive Order 11905, section 5b(2).)
2. provide technical assistance for such surveillance. (Refer to HR [] Executive Order 11905, section 5b(2).)

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D. Emergency Situations: Consult Headquarters for prior approval and full instructions. (Refer to HR [])

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E. Testing of Equipment in the U.S. is permissible only if:

1. no communication is aurally acquired and testing is kept to the minimum feasible.
2. no information concerning the substance, intent or meaning of any communication intercepted is disclosed to anyone by the technicians conducting the test; any printout of an intercepted communication made during testing is destroyed upon completion of the test or within 24 hours, whichever is sooner; and no persons other than technicians conducting the test have access to such printouts. (Refer to Executive Order 11905, section 5b(2).)

V. Unconsented Physical Searches.

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A. Within the United States: prohibited. (Refer to HR [] Executive Order 11905, section 5b(3).)

B. Of U.S. Persons Abroad

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1. Consult Headquarters for prior approval. (Refer to HR Executive Order 11905, section 5b(3).)
2. Headquarters must be provided with all facts supporting a reasonable belief that the subject U.S. person is an agent of a foreign power or terrorist group; relating to any intrusion which might occur upon the property or possessions of any other persons; and supporting a reasonable belief that the information sought is foreign intelligence or counterintelligence which cannot reasonably be obtained in a less intrusive manner.
3. No force or violence or threat thereof shall be used.
4. The only information from such searches to be retained or disclosed by CIA shall be:
 - a. foreign intelligence or counterintelligence information.
 - b. information indicating involvement in activities in violation of U.S. law, which information shall only be disseminated to appropriate law enforcement agencies.
5. Emergency Situations.
Consult Headquarters or designated senior official abroad for prior approval. (Refer to Executive Order 11905, section 5b(3).)

VI. Mail Intercepts (Opening or Examination) in U.S. Postal Channels or Concerning U.S. Persons: Consult Headquarters for prior approval and observe all relevant statutes and regulations. (Refer to HR Executive Order 11905, section 5b(4).)

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VII. Anti-Narcotics Operations: Consult Headquarters frequently and observe all U.S. narcotics laws. (Refer to Executive Order 11905, section 4a(3) and (5).)

VIII. Liaison Problems

A. No assistance (equipment, expertise, name traces, money, manpower, etc.) shall be given liaison services for their operations targeted on U.S. persons. (Refer to U.S. v. Shea, supra; Executive Order 11905, section 4a(4).)

B. Knowledge that liaison services are diverting U.S. funds or equipment to such purposes should be reported to Headquarters. (Refer to Executive Order 11905, section 4a(4).)

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IX. Undisclosed Participation in Groups Within the United States (Refer to HR Executive Order 11905, section 5b(6).)

A. Groups Composed Primarily of U.S. Persons

1. Undisclosed participation is permissible for developing associations and credentials to be used in collecting foreign intelligence outside of the United States.
2. Undisclosed participation is prohibited for collecting foreign intelligence or counterintelligence.

B. Groups Composed Primarily of Non-U.S. Persons may be infiltrated if they are reasonably believed acting on behalf of a foreign power.

X. Dissemination and Storage

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A. Consult Headquarters. (Refer to HR Executive Order 11905, section 5c.)

B. Appropriate U.S. law enforcement agencies may be provided information indicating violations of U.S. laws.

C. Records of illegal activities of Agency personnel shall not be destroyed.

XI. Drug Experimentation

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A. Consult Headquarters for prior approval. (Refer to HR)

B. Permissible only with the subject's written and witnessed fully-informed consent. (Refer to HR Executive Order 11905, section 5d.)

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XII. Examination of Tax Information.

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A. Consult Headquarters for prior approval. (Refer to HR)

B. Permissible only in conformance with U.S. statutes and regulations. (Refer to HR Executive Order 11905, section 5b(5).)

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XIII. Prohibition of Assassination. It is prohibited to engage in, or conspire to engage in, political assassination. (Refer to HR Executive Order 11905, section 5f.)

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XIV. Assistance to State and Local Law Enforcement Authorities

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A. Consult Headquarters for prior approval. (Refer to HR Executive Order 11905, section 5e.)

B. Such assistance is generally prohibited unless it involves the protection of Agency personnel or facilities; or the prevention of espionage or other criminal activity related to foreign intelligence or counterintelligence.

XV. Liaison with Other Federal Agencies

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A. Consult Headquarters for prior approval. (Refer to HR Executive Order 11905, section 5e(2).)

B. Generally, such activities will be permitted consistent with the Agency's duty to produce, collect, and disseminate foreign intelligence; to protect Agency personnel and facilities; and to provide specialized equipment and technical knowledge to other federal departments and agencies. (Refer to HR Executive Order 11905, sections 4a(1), 4a(7), 3d(xii) and 5e(2)(ii).)

XVI. Sources and Agents

A. Accredited Representatives of U.S. Public Media. The Agency will not enter into a paid or contractual relationship with accredited members. (Refer to HR)

B. American Clergymen and Missionaries

1. The Agency will not enter into a secret contractual relationship with the above, although volunteered information is welcomed. (Refer to HR)
2. This restriction applies to any person, ordained or otherwise, sent out by a mission or church to preach, teach, heal, or proselyte.
3. The Agency will not fund or use as funding cutouts such groups or individuals.

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C. See Annex A.

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